

REMARKS

I. PRELIMINARY AMENDMENT

As noted by the Examiner in paragraph 1 of the Office Action, the claims added to the present application in the Preliminary Amendment dated October 1, 2001, were incorrectly numbered. Therefore, Applicants include herewith a second Preliminary Amendment, correcting the numbering of the claims.

Applicants also include amendments to claims 10, 15 and 20, limiting the claims to the polynucleotide sequence elected in response to the Examiner's requirement that Applicants elect one nucleic acid sequences under 35 U.S.C. §121.

Support for the claims and amendments thereto may be found in the specification at page 41, lines 18-24, wherein it is stated that also included in the present invention are methods for screening for new medicaments by allowing the potassium channel protein of the present invention to be contacted with agents to be tested.

Polynucleotides encoding the potassium channel protein include a gene sequence of the 6th to 3257th nucleotides of SEQ ID NO:1, as recited in claim 15 (see, e.g., page 6, lines 24-25); a gene which is degenerate to the gene sequence, as recited in claim 20 (see, e.g., page 7, lines 1-2); and a gene which hybridizes with SEQ ID NO:1 under a stringent condition (see, e.g., page 10, lines 3-5). A gene which hybridizes with SEQ ID NO:1 under a stringent condition would also be expected to hybridize with a polynucleotide comprising the 6th to 3257th nucleotides of SEQ ID NO:1, as recited in claim 10.

Thus, none of the amendments to the claims introduces new matter into the application. Entry and consideration of the Amendment are respectfully requested.

II. RESPONSE TO RESTRICTION REQUIREMENT

At paragraph 2 of the Office Action, the Examiner requires election as between the two following groups of claims:

I - Claims 10, 15, 20, drawn to a method of screening for compounds and peptides capable of modifying the activity of a potassium channel protein.

II - Claims 11-14, 16-19 and 21-24, drawn to a pharmaceutical composition which comprises as an active ingredient a compound or a peptide which is capable of significantly modifying the activity of potassium channel protein expressed in the brain.

In response, Applicants elect Group I, **claims 10, 15 and 20, without traverse.**

In addition, the Examiner requires Applicants to elect a single sequence, as between the following five sequences:

- 1) The polynucleotide set forth in SEQ ID NO:1
- 2) The 6th to 3257th nucleotides of the polynucleotide set forth in SEQ ID NO:1
- 3) The polynucleotide set forth in SEQ ID NO:5
- 4) The 4th to 3057th nucleotides of the polynucleotide set forth in SEQ ID NO:5
- 5) The polynucleotide encoding the polypeptide sequence set forth in SEQ ID NO:2

In response, Applicants elect **the polynucleotide comprising the 6th to 3257th nucleotides of the polynucleotide set forth in SEQ ID NO:1.**

Applicants reserve the right to file a Divisional Application directed to non-elected claims 11-14, 16-19 and 21-24.

RESPONSE TO RESTRICTION REQUIREMENT AND
PRELIMINARY AMENDMENT
U.S. Appln. No. 09/965,830

Q66067

The present RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY
AMENDMENT is responsive to the Office Action dated March 19, 2003, setting a one-month
period for reply. As this response is being filed on or before April 19, 2003, it is timely.

Respectfully submitted,



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